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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,154	09/27/2000	Masahiko Sato	450100-02733	6619
20999	7590	12/29/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER RAMAN, USHA	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,154

Applicant(s)

SATO, MASAHIKO

Examiner

Usha Raman

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4, and 6-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1 and 6, recite the limitation "user server configured to receive store the broadcast program information and a plurality of broadcast programs", however there is not enough support in the specification for this limitation. The specification discloses receiving and storing EPG (i.e. the broadcast program information) in the user server (16) and data server (19) databases (see page 8, lines 4-6. However, nothing in the disclosure suggests that the user server and the data server receive and store a plurality of broadcast programs. Accordingly claims have been examined as best interpreted in light of the specification, i.e. user server and data server each storing the broadcast program information.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US Pat. 5,945,987) in view of Wheeler (US Pre Grant Pub. 2001/0056478).

In regards to claims 1 and 9, Dunn discloses a broadcast program retrieval system for retrieving a desired broadcast program among a plurality of broadcast programs, comprising:

- a. A data server (22) including a database (44) configured to receive and store broadcast program information (i.e. program records, see column 2, lines 54-62), and at least one function for searching the broadcast program information, which includes at least one program retrieval identification code and other information related to broadcast programs (see column 3, lines 19-33), and
- b. A user server configured to receive (see column 3, lines 28-30) and store the broadcast program information (column 6, lines 18-25 and column 9, lines 30-35), said user server operating to send to the data server at least one content keyword for searching the broadcast program information for the desired broadcast program (see column 7, lines 20-25),
- c. Wherein data server enables said user server to retrieve a select number of broadcast program information stored in the user server (see column 8, lines 43-49), and allows a user to review the select number of broadcast program

information (see column 10, lines 35-40, and lines 65-66) and to select the desired broadcast program from among a select number of broadcast programs corresponding reviewed select number of broadcast program information (see column 12, lines 64-67 and column 13, lines 1-3).

Dunn fails to disclose that the user server is operative to receive from the data server only a select number of program retrieval identification codes related to a query result; wherein the select number of program retrieval identification codes received from the data server enables the user to retrieve the broadcast program information.

Wheeler discloses a system comprising a user server storing data identical to the data on the data server, wherein the user server operative to receive from the data server only a select number of program retrieval identification codes (URL) related to a query result (i.e. request for webpage containing information), wherein the select number of program retrieval identification codes (i.e. URL) received from the data server enables the user to retrieve the broadcast program information (see [0012] and [0028]) for review.

It would have been obvious to one of ordinary skill in the art at the time of the invention in view of Wheeler by to storing identical data in the data server and user server and further allowing the data server to send only the identifiers of the files associated with the search, for local retrieval of the data at the user server. The motivation is to reduce transmission bandwidth and time, and increase data access speed (see Wheeler, [0014], [0028], [0033]).

In regards to claim 2, the user server in the modified system is connected to the head end through a communication link (cable network). Note figure 1 in Dunn.

In regards to claim 3, the modified system comprises search criteria including element of the content forming the broadcast program, such as category, title, actor, etc. Note column 7, lines 20-25 in Dunn.

In regards to claim 4, the modified system uniquely identifies each of the broadcast programs by a program ID in the program data record. Therefore the broadcast program inherently has a program ID appended in an "event information region" in order to properly identify the program specified by a program ID. Note column 2, lines 56-59 in Dunn.

In regards to claim 6, the program information sent of by the head end to the user server is used by a plurality of applications running on the set top box including an electronic program guide. Note column 4, lines 1-5 in Dunn.

In regards to claims 8 and 11, the data server of the modified system comprises a "keyword" database where a plurality of keywords related to a program (such as categories, title, actor, etc.) are used to match at least one content keyword (search criteria) received from the user server. Note column 8, lines 55-67 and column 9, lines 1-7 in Dunn.

In regards to claim 14, the searching functions provided in the modified system has the capability for a viewer to select items from the "viewer list" that contain the programs that have been added by the user and therefore reflecting the user's preference. Note column 10, lines 32-36 and column 9, lines 55-63 of Dunn.

In regards to claim 7 and 10, the modified system does not disclose that the program ID is unique for each of the plurality of broadcasts of the same program. Official notice is taken that program data event in an EPG are uniquely identified by the channel and time (as seen on an EPG grid). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in order to identify each of the program records by a combination of its channel and time information, thereby allowing each airing of a program event to be uniquely identified, according to its channel and airtime time.

In regards to claim 12, the modified system lacks that the program retrieval system updates the keyword database with any changes made to other information related to the broadcast programs. Official notice is taken that it is well known for head ends often receive schedule update information from a plurality of satellite feeds (downlink feed) and/or other master head end sources. Therefore changes in the information related to a program are reflected in updated program information records received from such master head ends. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to further modify the system with a master head end for providing information reflecting any changes in the broadcast program information, in order to ensure that the local head ends have the most up to date broadcast program information.

In regards to claim 13, the program information record in the modified system includes other information related to the broadcast programs such as cast

members (list of performers) appearing on each of the broadcast programs in addition to program ID. Note column 5, lines 56-67 in Dunn.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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